

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 722 - HB 940

March 17, 2023

SUMMARY OF BILL: Enacts *Abrial's Law, the Keeping Children Safe from Family Violence Act*.

Establishes provisions governing child custody proceedings in which alleged domestic abuse, child abuse, or child sexual abuse is an issue under consideration. Requires all court personnel involved in child custody proceedings, including judges, judicial commissioners, magistrates, and any professional appointed by a court during a child custody proceeding to express an opinion relating to abuse, trauma, or the behaviors of victims and perpetrators of abuse and trauma to complete at least 20 hours of initial domestic violence and child abuse training, and at least 15 hours of ongoing domestic violence and child abuse training every five years.

Requires the Administrative Office of the Courts (AOC) to develop such training that must be designed to improve the ability of courts to recognize and respond to child physical abuse, child sexual abuse, domestic violence, and trauma in all family victims, particularly children, and make appropriate custody decisions that prioritize child safety and well-being. Establishes various other specific requirements that the training developed by AOC must meet, including that it be provided by a professional with substantial experience in assisting survivors of domestic violence or child abuse, including at least one victim service provider and, if possible, a survivor of domestic violence or child physical or sexual abuse.

FISCAL IMPACT:

Increase State Expenditures – Exceeds \$120,600/FY23-24 and Subsequent Years

Assumptions:

- The AOC asserts that it cannot develop or implement the required training program by utilizing existing resources and will require at minimum one additional full-time position to serve as a training program manager.
- The increase in state expenditures related to the training program manager is estimated to be \$100,614 (\$80,000 salary + \$20,614 benefits) in FY23-24 and subsequent years.
- The AOC will also incur additional expenditures related to supporting the new training program manager and developing and implementing the program. It may also need to contract with a third party or perhaps hire an additional person in order to satisfy the professional and personal experience requirements of those providing the training.

- The precise fiscal impact of those additional expenditures is not known, but reasonably estimated to exceed \$20,000 per year in FY23-24 and subsequent years.
- The recurring increase in state expenditures related to the new training program is thus estimated to exceed \$120,614 (\$100,614 training manager + \$20,000 administrative and additional personnel resources for training) in FY23-24 and subsequent years.
- According to the AOC, the training will be offered free of charge to participants.
- It is unclear whether or not the training is intended to constitute continuing legal education credits. Because it is not explicitly stated as such in the proposed legislation, it is assumed that the training will not constitute credit for continuing legal education. Therefore, it is assumed that there will be no additional expenditures related to such.
- However, if it is determined that the training is determined as such, the AOC will incur an additional recurring increase in state expenditures related to paying \$2 per attendee to the Tennessee Commission on Continuing Legal Education.
- Based on information provided by the AOC and the Court Clerks Association, any fiscal impact to the courts is estimated to be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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